

# California Coastal Currents

News and information from the California Coastal Commission

Volume 1  
Issue 4  
December 2000

## Legislative Update

In a flurry of activity, the California legislature sent a number of bills to the governor before the adjourning for the fall recess. Summarized for the Coastal Commission at the October meeting, the Commission's legislative analyst reported on coastal-related bills signed and vetoed by the governor. Presented here are brief descriptions of some of the legislation chaptered by the Secretary of State.

### **AB 885 (Jackson)**

*Coastal Onsite Sewage Treatment Systems—Chapter 781*

AB 885 requires the State Water Resources Control Board, on or before January 1, 2004, in consultation with the California Coastal Commission, other affected agencies, and interested parties, to generate statewide performance standards for all onsite sewage treatment systems.

### **AB 1946 (Wayne)**

*Public Beaches: Survey<sup>3/4</sup> Chapter 152*

The State Water Resources Control Board, as required by this bill, will, by February 1, 2001, develop uniform guidelines for local health officers to report beach postings, closures and related information. Existing law requires that local health officers submit an annual report to the board. The bill requires that standardized monthly reports be made available to the public via the Internet. It further requires the board to publish its statewide report on or before July 30 of each year and make available to the public copies of this report by a variety of means, including the Internet.

### **AB 2286 (Davis)**

*Wetlands<sup>3/4</sup> Chapter 964*

Amending the Keene-Nejedly California Wetlands Act, this bill requires the Resources Agency to update the state's existing wetlands inventory in order to prepare a restoration, management, and ac-

quisition study. The study will identify ways to enhance private/public partnerships in wetland restoration, how to enhance recreational benefits of wetland areas, and will identify wetlands not currently in public ownership that should be preserved. The bill also authorizes the State Coastal Conservancy to enter into an operating agreement with a local entity for the management and control of wetlands.

### **AB 2387 (Keeley)**

*Ocean Resources—Chapter 516*

The bill enacts the California Ocean Resources Stewardship Act of 2000. Authorizing the Secretary of Resources to enter into an agreement with an existing nonprofit corporation to establish the California Ocean Trust, the trust will seek and provide funding for ocean resource science projects and to encourage coordinated, multi-agency, multi-institution approaches to ocean resource science. The purpose of the program is to encourage regional collaboration between academia and government on research and management practices relating to the marine environment, and to provide funding assistance through the creation of a non-governmental trust.

### **AB 2746 (Nakano)**

*Water Quality: Large Passenger Vessels—Chapter 504*

AB 2746 creates the Cruise Ship Environmental Task Force to evaluate the waste streams and environmental practices of large cruise ships. The information gathered by the task force will be used in a report to be prepared by the California Environmental Protection Agency by June 1, 2003.

### **AB 2800 (Shelley)**

*Marine Managed Areas Consolidation and Improvement Act—Chapter 385*

## IN THIS ISSUE—

Legislative Update

An Introduction to Prescriptive Rights in California

Boating Clean and Green

Resources for Achieving Clean and Green Boating

Links to Funding Opportunities

Send in Your Questions!

Coastal Commission Calendar

Coastal Wildlife Greeting Cards

This bill establishes the Marine Managed Area Improvement Act. Among other things, it prescribes 6 classifications for designating managed areas in the marine and estuarine environments to ensure long-term ecological viability and biological productivity and to preserve cultural resources in the coastal sea. The Resources Department will review and consolidate the state's classification and management system of state marine waters. AB 2800 sets criteria for considering and including additional areas into the state's Marine Managed Area (MMA) system. In addition, it calls for the Secretary of Resources to create the State Interagency Coordinating Committee with members representing the Department of Fish and Game, Department of Parks and Recreation, California Coastal Commission, State Water Resources Control Board, and State Lands Commission.

Interested readers may view the full text of the Commission's legislative report on the Coastal Commission's Legislative Office web page:

[www.coastal.ca.gov/leginfo/legindex.html](http://www.coastal.ca.gov/leginfo/legindex.html).

## An Introduction to Prescriptive Rights in California



Through its regulatory and planning process, Commission staff members, in conjunction with local government staff and citizens, have identified dozens of coastal areas that are used informally by the public. Future development of the coastline could threaten to eliminate these historically used public areas. Rights acquired by the public through historic use—prescriptive rights—will play an increasingly important role in maintaining public access as development pressures grow in California.

The public attains the right to use informal trails through the doctrine of implied dedication. Confirmed and explained by the California Supreme Court in the 1970 case of *Gion v. City of Santa Cruz*, implied dedications are essentially easements over real property that come into being without the explicit consent of the owner. Because easements must be used for a prescriptive period

before they are considered dedications, the privileges are referred to as prescriptive rights. To obtain an easement through an implied dedication in California, it must be shown that the public has used the land for the prescriptive period of five years as if it were public land under these conditions:

- ◆ without asking or receiving permission from the owner;
- ◆ with the actual or presumed knowledge of the owner;
- ◆ without significant objection or bona fide attempts by the fee owner to prevent or halt such use;
- ◆ the use must be substantial rather than minimal.

Additionally,

- ◆ where the initial five years of use did not occur before March 4, 1972, only property within 1000 yards of the mean high tide line may be impliedly dedication. (This limitation does not apply to common law trails and roads.);

- ◆ A property owner may grant permission for the public to use his or her property and thus prevent the property from being impliedly dedicated. He or she may follow any of the procedures identified in Civil Code sections 813, 1008, and, 1009 to grant permission.

The Commission has recently dedicated one staff position to help document prescriptive rights in coastal access areas threatened by new development. Working in the Public Access Program, Joy Chase is available to assist both Commission and local government staffs in the preparation of prescriptive rights studies. While the Coastal Commission and local coastal governments are responsible for protecting prescriptive rights through documentation, only a court of law can determine the rights actually exist. If you would like more information about prescriptive rights or would like to learn how to document, research, and protect those rights, contact Joy Chase at 831.427.4865.

### Prescriptive Rights in a Nutshell

Prescriptive rights refer to public rights that are acquired over private lands. These rights occur as the public uses the land for recreational purposes, such as a trail to or along the coast, parking areas, or picnicking along a bluff-top or beach area. If the use meets certain legal criteria, then these historically used areas must be kept open for public use in perpetuity.



## The Boating Clean and Green Campaign



Boating is no small business in California. With almost a million registered boats, the state has the highest level of recreational boating activity in the country. The California Coastal Act of 1976 directs the Commission to encourage recreational boating along the coast while also protecting the marine environment.

The Coastal Commission is entering its fourth year of an outreach program that promotes environmentally sound boating. The Boating Clean and Green Campaign, which receives funding from the California Integrated Waste Management Board (CIWMB), encourages boaters to protect their recreation areas. Research conducted three years ago by the Campaign showed a clear need for boater education, as many boaters failed to use best management practices (BMPs) for controlling the discharge of oil and other wastes into the environment.

The Commission's program uses a variety of strategies to promote environmentally friendly boating practices. The Campaign uses a technique dubbed "pier pressure" to educate boaters about simple actions they can take to protect the environment. To accomplish this, the Campaign trains volunteers to become boating educators called Dockwalkers. Originated by Save Our Shores in Santa Cruz, the Commission has adapted the program and trained 180 Dockwalkers to talk face-to-face with boaters about what they can do to keep the water clean. Dockwalkers also distribute boater kits containing oil absorbent bilge socks and instructional materials about how to protect the environment while on-board.

The Boating Clean and Green Campaign has achieved a number of accomplishments over the last two years. The Campaign developed and distributed 30,000 boater kits at marine dealerships, boat shows, and events. Additionally, the Campaign distributed 450 signs for boat ramps advertising toll-free numbers for the public to learn more about proper sewage and oil disposal. Through its "Shopping Clean and Green" program, the Commission continues to work with marine supply shops to give boaters information about environmentally friendly boating products.

Besides educating boaters, the Commission also recognizes the need for services at harbors and marinas to support clean boating habits. The Campaign conducted a survey that revealed a severe lack of convenient facilities for boaters to recycle oil, properly dispose of hazardous waste, and prevent fuel spills. In response, the Campaign works with marina operators to install services that:

- Collect and recycle used oil;
- Divert oily-bilge water for recycling and proper disposal; properly dispose of sewage and hazardous waste;
- Prevent fuel spills; and
- Allow boaters to recycle solid waste, such as trash and fishing lines.

Through conferences and the California Clean Boating Network (CCBN), the Campaign draws stakeholders from California's boating and environmental community together to help plan and implement its program. In the next year, the Boating Clean and Green Campaign will focus on supporting local efforts initiating similar programs. Rather than starting from scratch to create boater education or outreach programs, local programs can rely on the resources developed by the Campaign to educate boaters and collaborate with marina operators. (For information about clean boating assistance for local agencies, see box on next page).





## Clean Boating Assistance for Local Agencies

Local agencies, marinas, and other organizations can receive a wide range of assistance for boater education and the installation of clean boating facilities from the Campaign. The Commission will hold Dockwalker training sessions starting in January and will develop more boater kits for distribution in the upcoming boating season. We can schedule training for your organization, or provide you with a list of trained Dockwalkers in your area who can be called upon to help conduct a local outreach program. If you would like boater kits for your outreach program, you must order them before production is complete in January. In addition, some educational materials are available now. For information contact Miriam Gordon, the coordinator of the Boating Clean and Green Campaign, at (415) 904-5214, or by email, [mgordon@coastal.ca.gov](mailto:mgordon@coastal.ca.gov).

## Looking for Funding Opportunities?



The NOAA Coastal Services Center hosts a web site called Funding Opportunities for Coastal Managers. Provided are links to a variety of agencies and organizations that post information about grant funding for projects related to coastal and natural resource management. A number of the opportunities are specifically targeted to local governments. To learn more, visit the site at [www.csc.noaa.gov/text/grant.html](http://www.csc.noaa.gov/text/grant.html).

## Looking for Answers?

We are starting a new column to address questions from local coastal governments concerning coastal planning and management in California. You may submit your questions to [currents@coastal.ca.gov](mailto:currents@coastal.ca.gov) or by fax to Susan Swift at 415.904.5400. The questions and responses will be published in future issues of California Coastal Currents as well as on the Local Assistance web pages at [www.coastal.ca.gov/la/landx.html](http://www.coastal.ca.gov/la/landx.html).

## COASTAL COMMISSION CALENDAR

### December 11~15, 2000—Commission Meeting

The December Commission meeting is in San Francisco at the Embarcadero Hyatt, 5 Embarcadero Center. The agenda and selected staff reports are available on the Coastal Commission's web page, [www.coastal.ca.gov](http://www.coastal.ca.gov).

**NOTE:** The public workshop scheduled as Agenda Item 4 on Monday, December 11, has been postponed. Although good progress has been made to resolve issues under discussion relative to the proposed MOU, the parties did not have sufficient time to fully address all remaining issues and provide the public adequate time to review and comment on an agreed to final draft MOU for this meeting. Accordingly, it was agreed between the Resources Agency and the Commission that this matter would be postponed until the Commission's January meeting.

### January 9~12, 2001—Commission Meets in Los Angeles

*CALIFORNIA COASTAL CURRENTS* is published periodically by the Local Assistance Program of the California Coastal Commission. To submit comments about the newsletter or the Local Assistance Program, contact Susan Swift at [currents@coastal.ca.gov](mailto:currents@coastal.ca.gov) or 415.904.2335.

To subscribe to the newsletter, send an email to [currents@coastal.ca.gov](mailto:currents@coastal.ca.gov) with your name, title, affiliation, address, phone, and fax numbers. To unsubscribe, send an e-mail message to the same address using "unsubscribe" as the subject. The newsletter can be faxed to those without email. Please call for further information.

General inquiries about the Coastal Commission may be directed to the Headquarters Office in San Francisco at 415.904.5200. Send written correspondence to 45 Fremont Street, Suite 2000, San Francisco, CA 94105.

# COASTAL WILDLIFE GREETING CARDS

\$10 per set (*plus \$1 shipping and handling per set*)

***Each set includes 12 beautiful cards featuring photos of California's coastal wildlife - winners of the Coastal Commission's 1999 Photo Contest***



To order, send a check payable to "CSPF/Adopt-A-Beach" to:

CCC - Greeting Cards  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

(800) COAST-4U ~~~~~ [coast4u@coastal.ca.gov](mailto:coast4u@coastal.ca.gov) ~~~~~ [www.coastal.ca.gov](http://www.coastal.ca.gov)

